

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Millar et al.
Appl. No. : 10/536,633
Filed : March 17, 2006
For : RESTORATION OF
METHYLATION STATES IN
CELLS
Examiner : Sajjadi, F.
Group Art Unit : 1633

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Restriction/Election requirement mailed **January 25, 2007**, the Examiner restricted the pending claims into two patentably distinct inventions

I. Claims 22-41, drawn to a method for altering the methylation state of a cell comprising treating a first cell type with an extract, lysate, cellular component or mixture thereof derived from a second cell type, *in vitro* or *ex vivo*.

II. Claims 22-38 and 40-41, drawn to a method for altering the methylation state of a cell comprising treating a first cell type with an extract, lysate, cellular component or mixture thereof derived from a second cell type, *in vivo*.

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In response to the Restriction Requirement, Applicants hereby elect **Group I** (Claims 22-41). Applicants reserve the right to pursue the remaining claims in a divisional application.

The Examiner also required election of a specific first and a specific second cell type, or a specific mixture of identified first and second cell types, as recited in claims 23, 26, 27, 29, 32 and 33. In response to this election of species requirement, Applicants hereby elect a **stem cell** as the first cell type, and a **normal cell** as the second cell type.

The Examiner also required election of a specific domestic animal from claim 39. In response to this election of species requirement, Applicants hereby elect **bovine**, with traverse.

Applicants submit that because recitation of a particular domestic animal in claim 39 is not part of independent claim 22, the Examiner should not require Applicants to elect one of these animals. In addition, M.P.E.P. § 803.02 states that:

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they may be directed to independent and distinct inventions.

In the present case, the members of the Markush group are few in number (five), and are closely related in that all are domestic animals from which host cells may be obtained. Thus, Applicants respectfully request withdrawal of the election of species requirement as it relates to claim 39. Claims 22-41 are generic and read upon the elected species.

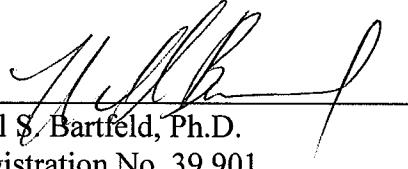
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 23, 2007

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